

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No.55716

William P. Donoho
Diana L. Donoho
107 Spry Island Road
Joppa, MD 21085

8534 Chestnut Oak Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on March 17, 2009, for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1 and Baltimore County Code (BCC) section 13-4-201 (b), premises shall be kept free from accumulations of improperly stored solid waste, and (d), all garbage shall be stored in approved rodent-resistant, watertight containers with tight-fitting lids, on residential property zoned DR 10.5 known as 8534 Chestnut Oak Road, 21085.

On February 23, 2009, pursuant to § 3-6-205, Baltimore County Code, a Code Enforcement citation was issued. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A \$25.00 (twenty five dollars) Citation was issued to Respondents on August 20, 2008 for failure to store garbage in approved rodent-resistant, watertight containers with tight-fitting lids.

B. A Correction Notice was issued on February 3, 2009 for failure to store garbage in approved containers with tight-fitting lids. This Citation was issued on February 23, 2009. Photographs in the file show bagged garbage in open cans, bagged garbage on the ground and trash strewn on the ground. Photographs taken March 16, 2009 show garbage in open cans and garbage strewn on the ground. This constitutes a continued violation of County Code provisions prohibiting conditions that are conducive to rat harborage.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$200.00 (two hundred dollars) and placed as a lien upon the property.

IT IS FURTHER ORDERED that Respondents shall comply with code requirements for the proper storage of trash and garbage, and that the County shall re-inspect the property to determine whether the violations have been corrected.

ORDERED this 18th day of March 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer